

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

A. B., et al.,

Plaintiffs,

vs.

HAWAII STATE DEPARTMENT OF  
EDUCATION, et al.,

Defendants.

CIV. NO. 18-00477 LEK-RT

ORDER GRANTING PLAINTIFFS'  
MOTION FOR LEAVE TO FILE  
FIRST AMENDED COMPLAINT

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FOR LEAVE TO FILE FIRST AMENDED COMPLAINT

Plaintiffs A.B., by her parents and next friends, C.B. and D.B., and T.T., by her parents and next friends, K.T. and S.T.'s (collectively "Plaintiffs") Motion for Leave to File First Amended Complaint, filed on May 16, 2019 (ECF No. 69) ("Motion"), came on for hearing on Wednesday, June 19, 2019 before the Honorable Rom A. Trader, Judge of the above-entitled court, with Kim Turner, Esq. (appearing by telephone), Mateo Caballero, Esq., and Jongwook Kim, Esq., appearing on behalf of Plaintiffs; John Gregor Jr., Esq. appearing on behalf of Defendant Hawaii State Department of Education; and Lauren Nakamura, Esq. appearing on behalf of Defendant Oahu Interscholastic Association.

Upon careful review of the Motion, memoranda, the files and records, and the hearing on June 19, 2019, the Court finds that none of the factors "commonly used to determine the propriety of a motion for leave to amend" under Rule 15(a)

of the Federal Rules of Civil Procedure—*i.e.*, “bad faith, undue delay, prejudice to the opposing party, and futility of amendment”—are present. *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 186 (9th Cir. 1987); see also *Foman v. Davis*, 371 U.S. 178, 182 (1962) (“In the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—leave . . . should, as the rules require, be ‘freely given.’”).

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion is **GRANTED** as follows:

1. Plaintiffs shall file their First Amended Complaint by Wednesday, June 26, 2019.
2. Defendant Hawaii State Department of Education and Defendant Oahu Interscholastic Association (collectively “Defendants) shall file their Answers or other responsive pleadings to the First Amended Complaint by Wednesday, July 24, 2019.
3. Plaintiffs’ right to object on any grounds, other than timeliness, to Defendants’ Answers or other responsive pleadings to the First Amended Complaint are preserved.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, June 20, 2019.



/s/ Rom A. Trader

Rom A. Trader  
United States Magistrate Judge

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*A.B., et al. v. Hawaii State Department of Education, et al.; Civ. No. 18-00477 LEK-RT; Order Granting Plaintiffs' Motion for Leave to File First Amended Complaint*